

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CARPENTERS' DISTRICT COUNCIL OF )  
GREATER ST. LOUIS AND VICINITY and )  
TERRY M. NELSON, RENEE BELL, BRIAN )  
PALUCH, JOHN W. FISCHER, MICHAEL T. )  
THUSTON, DONALD J. BRUSSEL, JR., SCOTT )  
BYRNE, KEN STRICKER, KIRK VERSEMAN, )  
ALBERT BOND, ROBERT CALHOUN, RON )  
DICUS, KEVIN BYRNE, and EARL POE, III, in )  
their representative capacities as trustees of the )  
CARPENTERS' PENSION TRUST FUND OF ST. )  
LOUIS, and TERRY M. NELSON, RENEE BELL, )  
BRIAN PALUCH, JOHN W. FISCHER, )  
MICHAEL T. THUSTON, DONALD J. BRUSSEL, )  
JR., SCOTT BYRNE, KEN STRICKER, KIRK )  
VERSEMAN, ALBERT BOND, ROBERT )  
CALHOUN, RON DICUS, KEVIN BYRNE, and )  
EARL POE, III in their representative capacities as )  
trustees of the CARPENTERS' HEALTH AND )  
WELFARE TRUST FUND OF ST. LOUIS, and )  
TERRY M. NELSON, RENEE BELL, BRIAN )  
PALUCH, JOHN W. FISCHER, MICHAEL T. )  
THUSTON, DONALD J. BRUSSEL, JR., SCOTT )  
BYRNE, KEN STRICKER, KIRK VERSEMAN, )  
ALBERT BOND, ROBERT CALHOUN, RON )  
DICUS, KEVIN BYRNE, and EARL POE, III in )  
their representative capacities as trustees of the )  
CARPENTERS' VACATION TRUST FUND OF )  
ST. LOUIS and RENEE BELL, ROBERT )  
BEHLMAN, DAVE MARXKORS, KEITH )  
TAYLOR, MICHAEL T. THUSTON, MIKE )  
GRIGAITIS, RON DICUS, ROBERT WOLF, )  
TERRY M. NELSON, BOB FRITZ and ALBERT )  
BOND in their representative capacities as trustees )  
of the CARPENTERS' JOINT TRAINING FUND )  
OF ST. LOUIS, )

Plaintiffs,

v.

NEIER SERVICES COMPANY, INC. d/b/a  
PRO-SERVICES,

No. 4:13-CV-1603 CAS

a Missouri corporation, )  
 )  
Defendant. )

### **JUDGMENT**

Plaintiffs filed this action on August 16, 2013 to recover from defendant Neier Services Company, d/b/a Pro-Services, delinquent fringe benefit contributions, liquidated damages and interest owed to the plaintiff benefit funds pursuant to the Employee Retirement Income Security Act, 29 U.S.C. § 1132(g)(2) ("ERISA") and pursuant to the Labor Management Relations Act, 29 U.S.C. § 185 ("LMRA"). Plaintiffs also seek an award of their attorneys' fees and costs. Defendant has not appeared, and plaintiffs move for default judgment, submitting in support of their motion the affidavits of Juli Laramie and Greg A. Campbell.

Under ERISA, 29 U.S.C. § 1132(g)(2) and § 1145, and under the applicable collective bargaining agreement, defendant Neier Services Company, d/b/a Pro-Services, owes \$26,573.97 in delinquent fringe benefit contributions, \$5,314.79 in liquidated damages and \$1,123.08 in interest. The collective bargaining agreements and ERISA, 29 U.S.C. § 1132(g)(2), also require defendants to pay plaintiffs' attorneys' fees and costs. Plaintiffs incurred \$459.00 in attorneys' fees, and \$454.90 in court costs. Based on the evidence presented, the Court finds that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys' fees is reasonable. The total amount owed by defendant to plaintiffs is \$33,925.74.

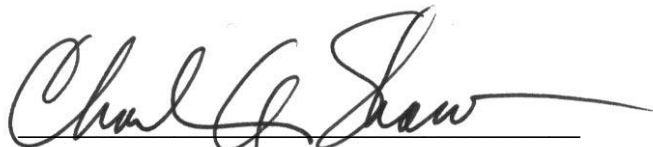
Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' motion for default judgment is **GRANTED**.

[Doc. 6]

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that judgment by default is entered in favor of plaintiffs and against defendant Neier Services Company, d/b/a Pro-Services, in the amount of Thirty-Three Thousand Nine Hundred Twenty-Five Dollars and Seventy-Four Cents (\$33,925.74).

**SO ORDERED:**

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 25<sup>th</sup> day of October, 2013.